

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

LASAUNDRA WILLIAMS

Debtor

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BK. No. 19-16364 JKF

Chapter No. 13

**HSBC BANK USA, N.A., AS INDENTURE
TRUSTEE FOR THE REGISTERED
NOTEHOLDERS OF RENAISSANCE HOME
EQUITY LOAN TRUST 2007-2**

Movant

11 U.S.C. §362 AND §1301

v.

LASAUNDRA WILLIAMS

**WILLIE B. WILLIAMS (NON-FILING CO-
DEBTOR)**

**LOUISE E. WILLIAMS (NON-FILING CO-
DEBTOR)**

Respondents

**MOTION OF HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE
REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-
2 FOR RELIEF FROM AUTOMATIC STAY UNDER §362 AND CO-DEBTOR STAY
UNDER §1301 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and Co-Debtor Stay and leave to foreclose on its mortgage on real property owned by Debtors LASAUNDRA WILLIAMS, NON-FILING CO-DEBTOR WILLIE B. WILLIAMS AND NON-FILING CO-DEBTOR LOUISE E. WILLIAMS.

1. Movant is **HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2**.

2. Debtors, LASAUNDRA WILLIAMS, NON-FILING CO-DEBTOR WILLIE B. WILLIAMS AND NON-FILING CO-DEBTOR LOUISE E. WILLIAMS are the owners of the premises located at **819 WINDER DR, BRISTOL, PA 19007**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.

5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.

7. As of April 1, 2020, Debtor has failed to tender post-petition mortgage payments for the months of February 2020 through April 2020. The monthly payment amount for the months of February 2020 through April 2020 is \$1,048.26, less funds in suspense in the amount of \$103.22 for a total amount due of \$3,041.56. The next payment is due on or before May 1, 2020 in the amount of \$1,048.26. The notice of post-petition fees has already been filed for the following fees and costs that have been incurred since bankruptcy filing: Proof of Claim \$500.00, Prep of 410A \$250.00 and Plan Review \$150.00. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. **Movant, HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2,** requests the Court award reimbursement in the amount of \$1,231.00 for the legal fees and costs associated with this Motion.

9. Movant additionally seeks relief from the Co-Debtor Stay under section 1301 (c)(if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the Movant. Movant may be barred from moving forward with its state court rights under the terms of the mortgage without relief from the Co-Debtor Stay.

10. Movant has cause to have the Automatic Stay and Co-Debtor Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. PHH MORTGAGE CORPORATION services the underlying mortgage loan and note for the property referenced in this Motion for Relief for HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2 (the noteholder) and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/ or set aside by Order of this Court or if this case is dismissed or if the debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2 (the noteholder). HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR THE REGISTERED NOTEHOLDERS OF RENAISSANCE HOME EQUITY LOAN TRUST 2007-2 (the noteholder) has the right to foreclose because Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

- a. modifying the Automatic Stay under Section 362 and Co-Debtor Stay with respect to **819 WINDER DR, BRISTOL, PA 19007** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and
- b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and
- c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and
- d. Granting any other relief that this Court deems equitable and just.

/s/ Mario J. Hanyon, Esquire
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